

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**ELANDER WOODALL, Individually and  
on Behalf of All Others Similarly Situated**

**PLAINTIFF**

vs.

No. 1:23-cv-459

**EVERGREEN PACKAGING LLC,  
and PACTIV EVERGREEN INC.**

**DEFENDANTS**

**RESPONSE TO DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE THEIR  
RESPONSE IN OPPOSITION TO MOTION FOR CONDITIONAL CERTIFICATION**

Plaintiff is unopposed to Defendants' Motion for Extension of Time to File Their Response to Motion for Conditional Certification (ECF No. 31) on the condition that the Court toll the statute of limitations for the putative collective for the duration of the extension. This case has already pended for 11 months, and Plaintiff diligently pursued conditional certification as soon as practicable. Despite Defendants' implications otherwise, Plaintiff is not trying to stonewall or be needlessly litigious in requesting tolling; the statute of limitations for the putative class continues to run until the individuals have filed a consent to join this lawsuit and Plaintiff would be remiss if he did not seek to protect the claims of those he seeks to represent to the fullest extent possible. 29 U.S.C. § 256(b). It is to Defendants' advantage to draw the certification process out as long as possible because the longer it takes to disseminate notice, the more putative opt-ins may be time-barred from joining the collective. Tolling the statute of limitations for the extra time taken to fully brief the Court on the issue of certification ensures that no party is able to use procedural mechanisms to an unfair advantage.

Respectfully submitted,

**ELANDER WOODALL, Individually  
and on Behalf of Others Similarly  
Situated, PLAINTIFF**

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